

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DECLARING ITS INTENTION TO AUTHORIZE THE ANNEXATION OF TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 97-2 (PRESERVE MAINTENANCE DISTRICT) AND IMPROVEMENT AREA “C” THERETO

(ANNEXATION NO. 10)

WHEREAS, the CITY COUNCIL of the CITY OF CHULA VISTA, CALIFORNIA, (“City Council”), formed a Community Facilities District and designated certain improvement areas therein pursuant to the terms and provisions of the “Mello-Roos Community Facilities Act of 1982”, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the “Act”), and the City of Chula Vista Community Facilities District Ordinance enacted pursuant to the powers reserved by the City of Chula Vista under Sections 3, 5 and 7 of Article XI of the Constitution of the State of California (the “Ordinance”) (the Act and the Ordinance may be referred to collectively as the “Community Facilities District Law”). The Community Facilities District has been designated as COMMUNITY FACILITIES DISTRICT NO. 97-2 (PRESERVE MAINTENANCE DISTRICT) (the “District”) and the Improvement Areas were designated as IMPROVEMENT AREA “A,” IMPROVEMENT AREA “B” and IMPROVEMENT AREA “C” of such District; and,

WHEREAS, the District was formed for the purpose of financing the monitoring, maintenance, operation and management of public property required to be maintained as open space or habitat preservation or both; and

WHEREAS, Improvement Area “C” was established to finance Preserve Operations and Maintenance plus a pro-rata share of Administrative Expenses of the District as such terms are defined in the rate and method of apportionment of special taxes (the “Improvement Area “C” Rate and Method”) attached as Exhibit A hereto and incorporated herein by this reference; and

WHEREAS, certain territory known as Village 3 located within the Otay Ranch is proposed to be annexed to the District and Improvement Area “C” thereto and such territory shall be known and designated as COMMUNITY FACILITIES DISTRICT NO. 97-2 (PRESERVE MAINTENANCE DISTRICT), IMPROVEMENT AREA “C,” ANNEXATION NO. 10 (the “Territory”).

WHEREAS, this legislative body now desires to proceed to adopt its Resolution of Intention to annex the Territory to Improvement Area “C,” to describe the territory included within Improvement Area “C” and the Territory proposed to be annexed thereto, to specify the services to be financed from the proceeds of the levy of special taxes within the Territory, to set and specify the special taxes that would be levied within the Territory to finance such services, and to set a time and place for a public hearing relating to the annexation of the Territory to the Improvement Area “C,” and,

WHEREAS, a map showing the Territory proposed to be annexed has been submitted, which map has been previously approved and a copy of the map shall be kept on file with the transcript of these proceedings.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. Recitals. The above recitals are all true and correct.

SECTION 2. Legal Authority. These proceedings for annexation are initiated by this City Council pursuant to the authorization of the Community Facilities District Law.

SECTION 3. Intent to Annex; Description of Territory. This legislative body hereby determines that the public convenience and necessity requires that the Territory be added to the District and Improvement Area "C" thereto and this City Council declares its intention to annex the Territory to the District and Improvement Area "C" thereto.

A description of the boundaries and Territory proposed to be annexed is as follows:

All that Territory proposed to be annexed to the District and Improvement Area "C" thereto, as such property is shown on a map as previously approved by this legislative body, such map entitled "Annexation Map No. 10 City of Chula Vista Community Facilities District No. 97-2 (Preserve Maintenance District), Improvement Area "C", City Of Chula Vista, County Of San Diego, State Of California" (the "Annexation Map"), a copy of which is on file in the Office of the City Clerk and shall remain open for public inspection.

A general description of the territory included in the District is hereinafter described as follows:

All that property and territory as originally included within and previously annexed to the District and Improvement Area "C" thereto, as such property is shown on maps of the original District and territory previously annexed as approved by this City Council and designated by the name of the original District and Annexation Nos. 1 through 10. A copy of such maps are on file in the Office of the City Clerk and have also been filed in the Office of the County Recorder.

SECTION 4. Name. The proposed annexation shall be known and designated as COMMUNITY FACILITIES DISTRICT NO. 97-2 (PRESERVE MAINTENANCE DISTRICT), IMPROVEMENT AREA "C," ANNEXATION NO. 10.

SECTION 5. Services Authorized to be Financed by the District. The services that are authorized to be financed by the District from the proceeds of special taxes levied within Improvement Area "C" are certain services which are in addition to those provided in or required for the territory within Improvement Area "C" and will not be replacing services already available. A general description of such services to be financed by the District is as follows:

The monitoring, maintenance, operation and management of public property in which the City has a property interest and which conforms to the requirements of the Ordinance or private property within the Otay Ranch Preserve which is required by the Preserve Owner/Manager to be maintained as open space or for habitat maintenance or both. Such property may be located outside the boundaries of the District and outside the jurisdictional boundaries of the City of Chula Vista. Such services shall not include the maintenance, operation and/or management of any property owned, maintained, operated and/or managed by the federal and/or state government as open space, habitat maintenance and/or for any other purpose.

A more complete description of such services may be found in Attachments A and B to the Improvement Area “C” Rate and Method (defined in Section 6 below).

The District shall finance all direct, administrative and incidental annual costs and expenses necessary to provide such monitoring, maintenance, operation and management of such public property.

The same types of services which are authorized to be financed by the District from the proceeds of special taxes levied within Improvement Area “C” are the types of services to be provided in the Territory. If and to the extent possible such services shall be provided in common within the District and the Territory.

SECTION 6. Special Taxes. It is the further intention of this City Council that, except where funds are otherwise available, a special tax sufficient to pay for such services and related incidental expenses authorized by the Community Facilities District Law, secured by recordation of a continuing lien against all non-exempt real property in the Territory, will be levied annually within the boundaries of such Territory. For further particulars as to the rate and method of apportionment of the proposed special tax, reference is made to the attached and incorporated Exhibit “A” (the “Improvement Area ‘C’ Rate and Method”), which sets forth in sufficient detail the method of apportionment to allow each landowner or resident within the proposed Territory to clearly estimate the maximum amount that such person will have to pay.

The special tax proposed to be levied within the Territory shall be equal to the special tax levied to pay for the same services in Improvement Area “C,” except that a higher or lower special tax may be levied within the Territory to the extent that the actual cost of providing the services in the Territory is higher or lower than the cost of providing those services in Improvement Area “C.” Notwithstanding the foregoing, the special tax may not be levied at a rate which is higher than the maximum special tax authorized to be levied pursuant to the Improvement Area “C” Rate and Method.

The special taxes herein authorized, to the extent possible, shall be collected in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes. Any special taxes that may not be collected on the County tax roll shall be collected through a direct billing procedure by the Treasurer.

The maximum special tax rate in Improvement Area “C” shall not be increased as a result of the annexation of the Territory to Improvement Area “C.”

SECTION 7. Public Hearing. NOTICE IS GIVEN THAT ON May 24, 2016, AT THE HOUR OF 5:00 PM CLOCK P.M., IN THE REGULAR MEETING PLACE OF THE LEGISLATIVE BODY, BEING THE COUNCIL CHAMBERS, 276 FOURTH AVENUE, CHULA VISTA, CALIFORNIA, A PUBLIC HEARING WILL BE HELD WHERE THIS LEGISLATIVE BODY WILL CONSIDER THE AUTHORIZATION FOR THE ANNEXATION OF THE TERRITORY TO THE DISTRICT AND IMPROVEMENT AREA “C” THERETO, THE PROPOSED RATE AND METHOD OF APPORTIONMENT OF THE SPECIAL TAX TO BE LEVIED WITHIN THE TERRITORY AND ALL OTHER MATTERS AS SET FORTH IN THIS RESOLUTION OF INTENTION.

AT SUCH PUBLIC HEARING, THE TESTIMONY OF ALL INTERESTED PERSONS FOR OR AGAINST THE ANNEXATION OF THE TERRITORY OR THE LEVYING OF SPECIAL TAXES WITHIN THE TERRITORY WILL BE HEARD.

AT SUCH PUBLIC HEARING, PROTESTS AGAINST THE PROPOSED ANNEXATION OF THE TERRITORY, THE LEVY OF SPECIAL TAXES WITHIN THE TERRITORY OR ANY OTHER PROPOSALS CONTAINED IN THIS RESOLUTION MAY BE MADE ORALLY BY ANY INTERESTED PERSON. ANY PROTESTS PERTAINING TO THE REGULARITY OR SUFFICIENCY OF THE PROCEEDINGS SHALL BE IN WRITING AND SHALL CLEARLY SET FORTH THE IRREGULARITIES OR DEFECTS TO WHICH OBJECTION IS MADE. ALL WRITTEN PROTESTS SHALL BE FILED WITH THE CITY CLERK PRIOR TO THE TIME FIXED FOR THE PUBLIC HEARING. WRITTEN PROTESTS MAY BE WITHDRAWN AT ANY TIME BEFORE THE CONCLUSION OF THE PUBLIC HEARING.

SECTION 8. Majority Protest. If (a) 50% or more of the registered voters, or six (6) registered voters, whichever is more, residing within Improvement Area “C” of the District, (b) 50% or more of the registered voters, or six (6) registered voters, whichever is more, residing within the Territory, (c) owners of one-half or more of the area of land in the territory included in Improvement Area “C” of the District, or (d) owners of one-half or more of the area of land included in the Territory, file written protests against the proposed annexation of the Territory to the District in the future and such protests are not withdrawn so as to reduce the protests to less than a majority, no further proceedings shall be undertaken for a period of one year from the date of the decision by the City Council on the issue discussed at the public hearing.

SECTION 9. Election. Upon the conclusion of the public hearing, if the legislative body determines to proceed with the annexation of the Territory, a proposition shall be submitted to the qualified electors of the Territory. The vote shall be by registered voters within the Territory; provided, however, if there are less than 12 registered voters, the vote shall be by landowners, with each landowner having one vote per acre or portion thereof within the Territory.

SECTION 10. Notice. Notice of the time and place of the public hearing shall be given by the City Clerk by publication in the legally designated newspaper of general circulation, said publication pursuant to Section 6061 of the Government Code, with said publication to be completed at least seven (7) days prior to the date set for the public hearing.

PREPARED BY:

APPROVED AS TO FORM BY:

Kelly G. Broughton FASLA
Director of Development Services

Glen R. Googins
City Attorney

EXHIBIT A

CITY OF CHULA VISTA
COMMUNITY FACILITIES DISTRICT NO. 97-2
(PRESERVE MAINTENANCE DISTRICT)
IMPROVEMENT AREA C

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